

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF AUGUST 17, 2004.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Louis C. Benjamin, Jr. (District 4), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: None

COUNCIL STAFF: Norma Dugas (Clerk of the Council), Veronica Williams (Assistant Clerk) and Anne Patin (Senior Administrative Assistant)

ADMINISTRATIVE STAFF: Dee Stanley (CAO), Becky Lalumia (Associate CAO/Finance Management), Gail Smith (Director of Administrative Services), Interim Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Gerald Boudreaux (Director of Parks & Recreation), Melanie Lewis (Director of Community Development), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation), Gail Smith (Director of Administrative Services)

COMMENCEMENT

(TAPE 1)(SIDE A)(317) AGENDA ITEM NO. 1: Call to order.

Councilmember Randy Menard called the Regular Council Meeting of August 17, 2004 to order. He then announced that Agenda Item No. 23, O-197-2004 was pulled from the agenda and Agenda Item No. 13, if a representative from the Judge's office is not present when it comes up, will be deferred.

(TAPE 1)(SIDE A)(319) AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance.

Councilmember Marc Mouton was called upon to deliver the invocation and lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(363) AGENDA ITEM NO. 3: **EXECUTIVE/PRESIDENT'S REPORT**

No report.

(TAPE 1)(SIDE A)(365) AGENDA ITEM NO. 4: **COUNCIL ANNOUNCEMENTS**

No report.

AGENDA ITEM NO. 8 WAS TAKEN OUT OF SEQUENCE.

(TAPE 1)(SIDE A)(376) AGENDA ITEM NO. 8: O-184-2004 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances Chapter 6 by adding Section 6:96, providing for closing hours for "After Hours Clubs", motion to adopt as amended (amendments to the ordinance including *changing Chapter 6 to 18 and changing Section 6:96 to 18-2 in the ordinance title, changing "after-hour clubs" to "Entertainment Establishments"; excluding movie theaters or retail businesses such as convenience stores, grocery stores, etc.; restaurants deriving 75% of its gross revenue from the sale of food; and prohibiting the Entertainment Establishments from opening between the hours of 2:00 a.m. and 6:00 a.m. Monday through Saturday and 12:00 and 6:00 a.m. on Sunday*) by Badeaux, seconded by Broussard.

A motion was offered by Williams, seconded by Benjamin to make additional amendments to the ordinance including *change to the title to Section 18-2 so as to read: "Closing Hours for Certain Entertainment Establishments and Public Access Facilities"; adding a new subsection b: "Public Access Facility" means an automated car wash or the drive-thru service window of a restaurant or other facility offering prepared food and/or beverage products for sale to or consumption by the public; and renumber or rename all remaining subsections according,* and the vote was as

follows:

YEAS: Williams

NAYS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

ABSENT: None

ABSTAIN: None

Motion failed.

The following individuals were recognized:

Randy Richard, owner of the Level/Q-Zar, urged the Council to defeat this ordinance in order for him to stay in business. Upon questioning by Bourgeois, Richard explained that Q-Zar is opened every day as late as the customers come in. The Level, an after-hours club, is operated from 12:00 a.m. to 6:00 a.m. on Fridays and Saturdays. Bourgeois stated that this ordinance would be a detriment to Richard's business, but it would not shut it down.

Kaliste Saloom, representing Mr. Richard, opposed the ordinance. He stated that the problem at hand was people conjugating in parking lots and this is not happening at the Level. This ordinance will not solve the problem because the people will just find somewhere else to go.

Williams called for the question, seconded by Broussard, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

Upon the suggestion of the Clerk, the Chair explained to the public that when the question is called, it closes out all discussion on the matter and the vote is called.

The Chair then called for a vote on the original motion as amended, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: None

ABSTAIN: None

Motion was unanimously approved.

RESOLUTIONS

(TAPE 1)(SIDE B)(144) AGENDA ITEM NO. 5: R-047-2004 A resolution of the Lafayette City-Parish Council establishing the Lafayette City-Parish President's Awareness Committee for citizens with disabilities, establishing a procedure for appointment of committee members, setting term limits, minimum meeting requirements and establishing the committee's mission, motion to adopt as amended (*amendment being to change the number of members from 5 to 7 along with setting appointing authorities and to set a mission statement for the committee*) by Mouton, seconded by Benjamin, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

Stanley explained that after the Council expressed concern; two additional appointments were added to the committee. Five of the members will be from the disabled community and possibly the Council and President's appointment could be from the disabled community also.

The following individuals were recognized:

Julie Douren stated she was looking forward to participating in the sub-committees and giving back to the community.

Jody Roger stated it was very important for the committee to work on housing, medical issues, etc. for the disabled.

The Chair requested that the Clerk notify those speakers who are interested in serving on the committee when the appointment is placed on the agenda.

David Malveaux thanked the Council for creating the committee and stated he hoped this would create a model for other cities.

Mathew Lane did wish to speak.

Richard Phelps stated how appreciative he was for the formation of this committee and added that one of the areas the committee should look at is emergency preparedness.

Jeffrey Landry commended the Council for their effort on the Lafayette City-Parish President's Awareness Committee for citizens with disabilities.

Harold Arceneaux urged support of the ordinance.

Krishna Hiller, Scott Crawford, Diane Morton, Rita DaFongh and Wallace Senegal supported the ordinance but did not wish to speak.

(TAPE 1)(SIDE B)(356) AGENDA ITEM NO. 6: R-051-2004 A resolution of the Lafayette City-Parish Council urging State Legislators and Senators from Lafayette Parish to seek to increase the penalties under LA. R.S. 32:295.3, motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

Stevenson explained that this ordinance is asking the legislature to up the fines for leaving children in vehicles. The fine is currently set at \$25.00.

ORDINANCES FOR FINAL ADOPTION

(TAPE 1)(SIDE B)(394) AGENDA ITEM NO. 7: O-170-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish Consolidated Government to donate ten (10) Motorola STX Type I portable radios, microphones and chargers which are surplus movable property no longer needed by the Lafayette City-Parish Consolidated Government for public purposes to the Town of Sunset Police Department in accordance with L.R.S. 38:2319.21. (Portable Radios), motion to adopt by Mouton, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

Interim Chief Hundley explained that this equipment is outdated and will no longer work with the present system. The Chair then recognized Police Chief Guillory from Sunset.

(TAPE 1)(SIDE B)(452) AGENDA ITEM NO. 9: O-185-2004 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of Digby Avenue and utility easements and the reserving of drainage and utility easements on Tract 1, Lots 87 and 88 in Phase 2 of Austin Village, having municipal addresses of 412 Digby Avenue and 413 Digby Avenue, motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Mouton, Stevenson, Menard

NAYS: Broussard, Conque

ABSENT: Williams

ABSTAIN: None

Motion was approved.

Conque explained that he requested that this ordinance be placed back on the agenda for Council consideration. The original vote was taken with only 6 members of the Council present and he felt it unfair to the residents in the subdivision affected not to have the full vote of the Council. Menard added that if this area was not abandoned, it would connect to Chemin Metairie making it

a thoroughfare through Austin Village Subdivision.

The following individuals were recognized:

W. Bellefontaine, Joan Bellefontaine, Paulette St. Amand, Cecelia McCann and Bill Adams supported the ordinance but did not wish to speak.

C. M. “Mel” Hightower, resident of Austin Village Subdivision, urged support of the ordinance. It would prevent the possibility of a thoroughfare through Digby in the future.

James Keisler urged support of the ordinance in order to keep a major thoroughfare out of the subdivision. He also urged the Council to listen to the wishes of the residents in Austin Village.

Paul Marx urged support of the ordinance stating that Digby is a narrow street through a large subdivision, the street is on the edge of the subdivision with a cane field beside it, where access could be obtained, Austin Village is already surrounded by major arteries and a high school is adjacent to it, bringing in more traffic.

(TAPE 2)(SIDE A)(008) AGENDA ITEM NO. 10: O-186-2004 An ordinance of the Lafayette City-Parish Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances, Chapter 94, Article 1, Section 94-12, “Exclusion of certain costs and revenues in computation of annual in-lieu-of-tax payment”, motion to adopt as amended (*amendment being to change “with” to “for” in Section 1(1)*) by Mouton, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE A)(032) AGENDA ITEM NO. 11: O-187-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government to allocate funds for the City of Lafayette share of the Acadiana Crime Lab deficit, motion to adopt by Benjamin, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

Upon questioning by Mouton, the Chair explained that, in the past, the Chair of the Council was the representative from LCG. The Clerk added that a resolution was forthcoming naming Chair Menard as that representative.

(TAPE 2)(SIDE A)(055) AGENDA ITEM NO. 12: O-188-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government by adjusting revenues received from the State of Louisiana for the 2% Fire Insurance Rebate program and appropriating within the Fire Department, motion to adopt by Conque, seconded by Broussard, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

ITEM NO. 13 WAS TAKEN UP LATER IN THIS MEETING.

(TAPE 2)(SIDE A)(066) AGENDA ITEM NO. 14: O-190-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government authorizing the increase in the Planning Fund FTA (5303) FY 04/05 within the Department of Traffic and Transportation in the amount of \$34,398 and to authorize the Lafayette City-Parish President to execute the contract for Metropolitan Planning, Lafayette Metropolitan Study Area, motion to adopt by Mouton, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE A)(082) AGENDA ITEM NO. 15: O-191-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the increase in the Planning Fund FHWA (PL) FY 04/05 within the Department of Traffic and Transportation in the amount of \$222,991 for additional funding needed and to authorize the Lafayette City-Parish President to execute the contract for Metropolitan Planning, Lafayette Metropolitan Study Area, motion to adopt by Conque, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

(TAPE 2)(SIDE A)(094) AGENDA ITEM NO. 16: O-192-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to execute an Act of Cash Sale whereby the Lafayette City-Parish Consolidated Government will purchase certain real estate located at 1020 West Simcoe Street, Lafayette, Louisiana from Stanley Feast, for utilization by the Department of Community Development, Housing Division, motion to adopt by Broussard, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams

ABSTAIN: None

Motion was unanimously approved.

Roger Drake, Community Development Manager, explained that this was part of the Urban Infill Program and every time a lot is bought it must come before the Council.

(TAPE 2)(SIDE A)(122) AGENDA ITEM NO. 13: O-189-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government to allocate funds for parish courthouse renovations requested by the district judges, motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: Badeaux

ABSENT: Williams

ABSTAIN: None

Motion was approved.

Lalumia explained that in January, there were available funds from interest earnings in the bond program and, several other accounts, to pay for some renovations requested by the judges. There was a question about an encumbrance and some potential additional monies that were available. That question has been cleared up. The encumbrance was against a contract, which has been completed, so the funds are freed up. This would transfer an additional \$72,480 from some existing certificates of indebtedness money that was sold for courthouse improvements for judges' renovations. Stanley assured that no renovations would be made that would have to be undone later.

Upon questioning by Badeaux, Lalumia explained that this money is not budgeted in the budget, it is in a bond fund and it can be spent only for courthouse improvements.

Tina Lemaire, Manager from the 15th Judicial District Judges Office, explained that the \$83,000 was used to replace the courtroom recorders in 7 of the 10 courtrooms and the new phone system is being installed. The increased funding will be used for the same improvements in the last 3 courtrooms. Also, there are bids to put in wireless mikes in all 10 courtrooms.

CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING BOARDS/COMMISSIONS

(TAPE 2)(SIDE A)(223) AGENDA ITEM NO. 17: Appointment of _____ to the Industrial Development Board to fill an unexpired term until March 1, 2006.

No resumes were received. This will be readvertised.

(TAPE 2)(SIDE A)(227) AGENDA ITEM NO. 18: Appointment of _____
to the Taxicab Control Board for a four-year term effective June 18, 2004.

No resumes were received. This will be readvertised.

(TAPE 2)(SIDE A)(230) AGENDA ITEM NO. 19: Appointment of Mitch Gautreaux to the Fire & Police Civil Service for a three-year term effective July 26, 2004. (from 3 nominations of the ULL President)

Stevenson nominated Mitch Gautreaux.

There being no further nominations, the Chair called for a vote, and the vote was as follows:
YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Mouton, Stevenson, Menard
NAYS: None
ABSENT: Williams
ABSTAIN: None
Motion was unanimously approved.

(TAPE 2)(SIDE A)(243) AGENDA ITEM NO. 20: Appointment of Adele Minnard to the Fire & Police Civil Service for a three-year term effective July 26, 2004 (from 3 nominations of the ULL President).

Benjamin nominated Adele Minnard; Bourgeois nominated Dawn Cole.

The Chair then called for a vote, and the vote was as follows:
ADELE MINNARD: 8, 9, 1, 4, 5, 6, 7
DAWN COLE: 2
ABSENT: 3
Adele Minnard was appointed to the Fire & Police Civil Service.

(TAPE 2)(SIDE A)(269) AGENDA ITEM NO. 21: Appointment(s) by Council member(s) and/or City-Parish President and/or Area Mayors, and/or any other direct appointing authority.

<u>Appointing Authority</u>	<u>Appointee Name And Address</u>	<u>Board, Commission And/or Legal Agency</u>	<u>Term</u>	<u>Effective Date</u>
District 1	Huey McCauley 401 Kim Drive Lafayette, LA 7053	Lafayette Natural History Museum	4 years	08-20-2004
C-P President (from Farm Bureau nomination)	Sandy Kaplan 116 Rue Chauvanic Lafayette, LA 70508	Lafayette Economic Development Authority	4 years	08-31-2004
C-P President (from Chamber nomination)	Max Hoyt 1325 Eraste Landry Rd Lafayette, LA 70506	Lafayette Economic Development Authority	4 years	08-31-2004
C-P President	Bill Fenstermaker 135 Regency Square Lafayette, LA 70506	Lafayette Economic Development Authority	4 years	08-31-2004
Area Mayors	Tom Cox 120 Innisbrook Drive Broussard, LA 70518	Lafayette Economic Development Authority	4 years	08-31-2004
C-P President	Mike Hamner 120 W. University Lafayette, LA 70506	Downtown Development Authority	3 years	08-31-2004
District 6	Donna Christianson 230 Adrienne St. Lafayette LA 70506	Lafayette Advisory Commission on Crime Prevention	4 years	08-31-2004
District 2	Fran Borges 108 Luce Drive Lafayette, LA 70506	Lafayette Animal Control Center Advisory Board	4 years	08-06-2004
District 1	Burnis Benoit	Lafayette Advisory	4 years	07-11-2004

	508 1 st Street Duson, LA 70529	Commission on Crime Prevention		
District 9	Jim Cicala 113 Aspasia Drive Lafayette, LA 70508	Lafayette Advisory Commission on Crime Prevention	4 years	07-11-2004

INTRODUCTORY ORDINANCES

(TAPE 2)(SIDE A)(298) AGENDA ITEM NO. 22 – 34: A motion was offered by Benjamin, seconded by Conque, to approve the introduction of the following ordinances, in-globo, except O-197-2004 (introductory ordinance was pulled by the author), and the vote was as follows:

YEAS: Badeaux, Bourgeois, Benjamin, Broussard, Conque, Stevenson, Menard

NAYS: None

ABSENT: Williams, Mouton

ABSTAIN: None

Motion was unanimously approved.

- 22. O-196-2004 An ordinance of the Lafayette City-Parish Council authorizing the Tax Assessor and Tax Collector for the Parish of Lafayette to assess and collect the millage rate for 2004 at the rate of 1.79 mills for the Lafayette Economic Development Authority.

- 24. O-198-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the increase of revenues in the amount of \$382,500.00 and approving a grant agreement between the Lafayette City-Parish Consolidated Government and the Louisiana Supreme Court Drug Court Office to operate the Drug Court Program, adjust manning tables to coincide with the grant and increase revenues in the amount of \$47,000.00 for projected program income fee collections appropriating within the Office of Criminal Justice Support Services/Drug Court.

- 25. O-199-2004 An ordinance of the Lafayette City-Parish Council amending Section 34-31 of the Lafayette City-Parish Consolidated Government Code of Ordinances to redefine a junked motor vehicle.

- 26. O-200-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an intergovernmental agreement between the Lafayette City-Parish Consolidated Government and the Ansel M. Stroud, Jr. Military History and Weapons Museum, a subdivision of the Military Department, State of Louisiana (“Museum”) providing for the transfer of one (1) Thompson Machine Gun 45 Caliber bearing Serial Number S409044 (“Gun”).

- 27. O-201-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Act of Deposit on behalf of the Lafayette Police Department of K9 Garrett to Norbert R. Myers.

- 28. O-202-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Act of Deposit on behalf of the Lafayette Police Department of K9 Meta to Kim Gates.

- 29. O-203-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Act of Deposit on behalf of the Lafayette Police Department of K9 Bear to Salvatore Angilletta.

- 30. O-204-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$300,000 from Parish Drainage Improvements Project to Cypress Bayou Project.

- 31. O-205-2004 An ordinance of the Lafayette City-Parish Council amending the FY 03/04 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$40,000 from Reserve to Transportation within the Environmental Quality Division of the Department of Public Works for additional funding needed.

- 32. O-206-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to execute an Act of Cash Sale whereby the Lafayette City-Parish Consolidated Government will purchase certain real estate located at 702 Delord Street,

Lafayette, Louisiana, from Paul Elliott Stephen Mouton and Beverly Joan Richard Mouton, for utilization by the Department of Community Development, Housing Division.

33. O-207-2004 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a utility easement on a portion of Lot 27, all of Lot 28, and a portion of Lot 29 of Broadmoor South Subdivision, having a municipal address of 102 Thornwood Circle.
34. O-208-2004 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to execute an agreement with Southwest Louisiana Electric Membership Corporation on behalf of the Lafayette City-Parish Consolidated Government providing for the acquisition, under circumstances stated therein, of certain customers and facilities of Southwest Louisiana Electric Membership Corporation.

(TAPE 2)(SIDE A)(374) AGENDA ITEM NO. 35. Comments from the public concerning the above Introductory Ordinances.

Jeffrey Landry questioned the definition of “junked vehicles”. The Chair requested that Landry contact Pat Ottinger, City-Parish Attorney.

Upon questioning by Benjamin, Chief Benoit explained that State law mandates a 2% cost of living increase for all firemen who have no less than 3 years of service and no more than 23 years of service.

ADJOURN

(TAPE 2)(SIDE A)(421) There being no further business to come before the Council, Chair Menard declared the Regular Council meeting of August 17, 2004, adjourned.

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL